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## **The EU: a United External Action for an Intergovernmental Actor**

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## INTRODUCTION

Since 1957, when Europe was not yet a Union but just an association of states (in a broad meaning of the word) with joint economic interests, this big continent has lived a progressive and massive change that led to what in 1992 was defined as the “European Union” in the Maastricht Treaty. The International Relations (IR) have undertaken a path of deep understanding of the subject, which in a very short amount of time has become one of the most studied, but still a controversial one. Regarding the future of this entity, some scholars firmly state that the EU is likely to remain a secondary power in the international system, led by the US, and maybe it will also be overcome by arising economies such as China and India.<sup>1</sup>

The aim of this paper is to give a comprehensive overview of the main academic approaches in order to attempt to understand how the EU has gained international “actorness”, and in which manners it is able to explicit its capabilities within the external context when it has to take into account on the one hand the supranational institutions and on the other hand the 28 Member States which do not always agree on the decisions to take, especially regarding external action. Specifically, it will be discussed the possibility to combine an intergovernmentalist approach with a unitary view of the EU, as a single actor able to formulate single decisions, especially regarding external action.

Firstly, the main theories that have characterized the analysis of this topic will be given, which are to say: realism, liberalism and constructivism. Also, it is needed to take into account the several shades that are hidden between the similarities and differences of these three main approaches. Considering the EU in relation to its power and international role, several problems and critiques have to be faced as well. On the second section, the core one, the community procedure will be compared to intergovernmentalism and it will be showed if there is any possibility to combine the two views. In addition, in order to understand the quality of the European capacity to influence the external context, two important aspects of the EU will be analyzed: on the one hand its economic power, related to the nowadays crisis, and on the other hand its military capacities and the critiques against it. Finally the case study of the environmental policy will be taken into account as an example of the strengths of the

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<sup>1</sup> Gamble & Lane (2009: 1)

EU, which is apparently able to combine 28 Member States, with different interests and necessities, into one single voice. The European abilities and attempts to become a global leader in this matter will be discussed as well.

## CHAPTER I: THE EU AND THE CLASSICAL THEORIES OF IR

First of all it is useful to get a quick overview of the main approaches that have always characterized the International Relations, focusing on the view that they have on the European Union.

### 1.1 REALISM

The realist approach rests on the idea that the states are the *sine qua non* element for the international order<sup>2</sup>, which play their role in a zero-sum game, which is to say that in the international context, when a state gains benefits, it takes them from another actor which therefore faces a loss. What are the main goals of actors from a realist perspective? The prominent aim is security, which is a key word in this context, since the states see it as a priority. This is also why the economic sphere is not seen as quite relevant as the security one. What kind of role do the realists give to such an actor, which could be simply seen as a conglomerate of states? While on the one hand all kinds of international organizations are seen just as practical tools for the states, usually the biggest ones, for gaining more power and strength in the international context, on the other hand, the importance of the “size” of the countries is very relevant when considering the power they have. As Asle Toje states, in order to analyze how important the European Union is in the global context, it is needed to classify it in a chart depending on the size it has, compared to other world-wide subjects.

Firstly, it is possible to highlight the differences that subsist between realism and neorealism. As it's well known, the father of neorealism is Waltz who, beginning his journey from a realist perspective, ends up in a new path in which, although the main subjects of world order keep being the states with a major goal of security, the hierarchical system is also influenced by the importance of economy that can be used as an instrument to coordinate action in order to avoid general disadvantages.<sup>3</sup> Following the analysis of Toje, it is possible to reach a definition of what kind of actor the European Union is, from a neorealist point of view. It is tough to classify this actor because it is to be recognized the improvements that it has achieved, but at the same time, it cannot be underestimated the fact that it still lacks capabilities and pragmatic efforts in order to become a world-wide recognized power.

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<sup>2</sup> Smith (2011:145)

<sup>3</sup> Mazzei, Marchetti & Petito (2010:67)

Distinguishing the actors that behave within the international context between great and small powers has been one of the first ideas for scholars, as Mitrany did in 1933; but of course this separation did not arise without problems. As a matter of fact, this qualitative division enables several and heterogeneous powers to be considered as a whole. Even Kjellèn put efforts for a classification, this time distinguishing between “global great powers”, “regional great powers”, “small powers” and “small states”, separating the former two kinds from the latter ones, depending on the capacity of the actors of having and being able to use military strength.

Lastly, it is possible to take into account another important scholar’s classification: the one by Keohane, which is mostly focused on the ability and on the degree to which it is likely to influence world order. Hence it is useful to distinguish among “system-determining power”, which have a leading role in shaping the main features of the international order, the “system-influencing powers” that are able to influence the surrounding but wouldn’t be able to have a determining role on their own, the “system-affecting states” that have a minor role that enables them to just have an impact on the world and lastly the “system-ineffectual states” which are able to gain strength only if they get together in bigger groups to have a say in the global context.

Interesting but objectionable is the definition that part of the scholars give to the EU and in which group they would put it to define it. In fact, Toje sees it as a small power, a definition which can be seen as halfway between a great power and small state. Moreover, this definition bares in itself four main features, which are: dependence, variable geometry, lovers of the law and defensive by nature. The first connotation expresses the necessity for the actor to rely on a greater entity in order to fulfill its world-wide goals (security as priority, as well as being influencing). The EU has got this characteristic also because it relies a lot on the United States when it comes to the use of force; this is an example that shows how small powers prefer to act following their allies or keeping their status as much neutral as possible. Secondly, small powers are *status quo* oriented<sup>4</sup>, which is to say that since they cannot rely on well built military capacities, they rather work within the pre-defined international order, then trying to revise and reverse it. The major aim of this kind of powers is to *internationalize* their issues and priorities, in order to find solutions thanks to the other global actors. Thirdly,

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<sup>4</sup> Toje (2010:47)

following from the previous core element, this kind of powers may be defined as “lovers of the law” because this characteristic enables them to reduce costs of their foreign policies and find a certain degree of support and legitimacy for their actions, keeping a compromise position in international disputes. Lastly, small powers are “defensive by nature” since their ability of persuasion and influence is mostly related to neighbor and immediately adjacent areas. Specifically it is possible to find a correlation with the theory of “concentric circles” by Wæver, according to whom the European Union’s ability to influence the world system is strictly related to the proximity of the areas, geographically speaking.<sup>5</sup> Obviously a clear distinction is needed when comparing these two scholars: the former belonging to the neorealist perspective, the latter mainly embracing a constructivist approach.

One of the main critics that are being made by the realists and neorealists is that the European Union cannot be seen as an autonomous actor because it lacks the capacities to build up a military system, which is a core element for this kind of perspective. Nevertheless, it is important to underline the efforts and improvements that the EU has achieved since the development from ESDP (European Security and Defense Policy) to CSDP due to the Lisbon Treaty in 2009. The creation of the High Representative of the Union for Foreign Affairs and Security Policy has enabled this supranational entity to behave and act through a sort of “Ministry of Foreign Affairs” for a unitary and cohesive policy, concerning the relations with third parties<sup>6</sup>. Unfortunately, these efforts are not enough, since the ambitions for improved external capabilities have not been converted into functional actions as hoped: a gap between desires and practical skills has been rising since the Lisbon Treaty<sup>7</sup>, leading to a process of downsizing of the European Union’s role and perception in the foreign affairs.

Two are the main problems strictly related to this issue area: funds spending and fragmentation of action. The former topic is related to the fact that not only the 27 (which have just become 28) MS (Member States) do not spend enough on military equipment, but they also have a bad distribution of resources, that creates inefficiency and waste. Comparing the EU with the United States, it is possible to point out how the Old Continent does not consider military and defense policy as a priority; in fact while between 2008 and 2010 the EU aggregated defense expenditures decreased, in the same period, the amount increased in

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<sup>5</sup> Wæver (2000: 256)

<sup>6</sup> Gaja & Adinolfi (2010: 60)

<sup>7</sup> Hill (1993)

the US<sup>8</sup>. But even more concerning is the latter problem: the lack of united external action. It is possible to state that the foreign affairs are still conceived following an intergovernmentalist point of view, according to which the supranational structure exercises power on behalf of the Member States because they know that this power will be indirect and mediated, but still beneficial for their domestic affairs<sup>9</sup>. For the moment there are not negligible differences among the Member States due to historical causes and traditions that do not enable them to have sufficient foreign goals to share<sup>10</sup> and this is why they are to be considered the true rulers for external action.

The structural realist Posen has pinpointed how the creation of the CSDP within the Lisbon Treaty has been intensely wanted by two of the greatest Member States (France and Great Britain) despite the fact that the European region was already secure<sup>11</sup>. On the one hand the French wanted to enable the European Union to come out of the shade of United States in the global context and try to balance it, on the other hand the British aimed to improve the military capabilities of the EU, being finally able to cooperate with NATO. Notwithstanding the point of view of the author seems to be optimistic, hoping that the EU will be finally able to embrace a grand strategy, the arguments he uses to support his thesis would not be very valuable for a realist; as a matter of fact, Posen quotes a lot of institutional speeches to show how the EU is improving in its military capabilities but in the Realist perception, the tool of discourse is not always well accepted.

Nevertheless it is also true that some of the critiques against the cohesive behavior of the EU are to be taken back; for example it is finally overcome the idea according to which the EU has a fragmented and not worthwhile diplomacy and several steps forward have been made to stop dependence by NATO and US; also, it is remarkable the achievement of a global leading role concerning the environment and climate change policy, which will be analyzed later in this paper.

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<sup>8</sup> [http://www.eda.europa.eu/info-hub/news/12-01-25/EU\\_and\\_US\\_government\\_Defence\\_spending](http://www.eda.europa.eu/info-hub/news/12-01-25/EU_and_US_government_Defence_spending)

<sup>9</sup> Toje (2010: 55)

<sup>10</sup> Hill (1998)

<sup>11</sup> Posen (2006)



## 1.2 LIBERALISM

When trying to define what the European Union is from a liberal perspective, it is needed to bear in mind that liberalism is a complex and heterogeneous approach of the International Relations studies, hence it is important to identify the core elements; first of all, in a liberal world, several kinds of actors are taken into account, such as states as well as international organization, transnational business companies or NGOs. The reason for such a plurality of actors is that in this kind of context, security is not the major goal that matters, but it is also important to achieve economic goals as well as normative or humanitarian ones, that go beyond and through the conventional borders of the states. Contrary to what realism affirms, liberalism believes that the international order is based on absolute gains, which is to say that more power for an actor can also enable other actors to benefit from that action.

An example that can be taken into account is the Development Aid Policy of EU that enables this entity to be the greatest donor of the world through two kinds of projects: humanitarian aids and development assistance<sup>12</sup> A liberal would see this type of action as an opportunity for both spreading the European identity and create more attractiveness, and also create more peace and enable poor countries such as the ACP (African, Caribbean and Pacific countries), which are the areas that mostly receive European funds<sup>13</sup>, to undertake a path of development. Instead, a neorealist would see this kind of action merely as an indirect method to balance other international powers and gain benefits such as enlargements of the export markets.

It is also needed to recognize the progressive change that CSDP has lived, from a military to a civilian kind of project, with very narrow and focused missions; the case of the ATLANTA mission, against piracy, is being a failure although official institutions keep claiming its positive improvements, since the EU would not have been able to find a solution without the decisive role played by NATO that functioned as operating leader.

All these challenges, successes and failures have created several school of thoughts in which academics and experts attempt to find a solution and definition of what the EU is and what is going to become in the near future. Therefore it is possible to highlight important criticism as the one by Zielonka, who believes that more military power would weaken the “distinctive profile” of the EU as a civilian power at international level, with a different method to impose itself<sup>14</sup>; but it is also possible to point out optimistic researchers, such as Smith, who believe

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<sup>12</sup> [http://europa.eu/pol/dev/index\\_en.htm](http://europa.eu/pol/dev/index_en.htm)

<sup>13</sup> [http://ec.europa.eu/europeaid/multimedia/case-studies/acp/acp\\_en.htm](http://ec.europa.eu/europeaid/multimedia/case-studies/acp/acp_en.htm)

<sup>14</sup> Zielonka (1998:229)

that in a short amount of time the European Union will have greater integration internally, which will make it become a united “state on a grander scale”<sup>15</sup>

Undoubtedly the binding element between the realist point of view and the liberal one is Kagan’s article “Power and Weakness”. The Author has a specific point of view regarding the role that the European Union has and can have in the global system: it uses what Nye defined for US as “soft power” because it is the only kind of power that the EU is able to take advantage of, since it lacks what is called “hard power”, that on the contrary is peculiar of the United States. Hence on the one side there is the New World that takes care of all the major and more problematic issues (terrorism, nuclear power) in an international context ruled by a Hobbesian approach, and on the other side the EU is able to behave within a Kantian world in which internally the area is totally desecuritized due to the fact that externally there is another great power that deals with security issues of a world in which military force is needful.<sup>16</sup>

What kind of actor is the European Union in the international context from a liberal point of view? The EU represents the biggest economy of the world, the most important donor for development and humanitarian aids and surely the only actor that at present is able to compete with US for leadership.<sup>17</sup> According to Sjurssen, it is difficult to understand if the EU is going to become a military global power or if this is going to be just an “*Eternal Fantasy*”<sup>18</sup>. Nevertheless, the role of EU is still controversial and the debate is still open about whether this power should reassess its role through a stronger military strategy in order to establish itself in the international context.

In order to have a clear overview of the different schools of thought, it proves necessary to highlight that when we discuss about the kind of power the EU is from a liberal perspective, there are two main typologies of power that it is possible to take into account: the civilian one and the normative one.

### 1.2.1 EU as a Civilian Power

In 1982 Hedley Bull pointed out that considering the EU a civilian power was a contradiction in terms since “the power of influence exerted by the European Community [...] was

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<sup>15</sup> Smith (2000:27)

<sup>16</sup> Kagan (2002)

<sup>17</sup> Marchetti (2010: 131)

<sup>18</sup> Peterson & Sjurssen (1998: 95)

conditional upon a strategic environment provided by the military power of states, which they did not control”<sup>19</sup>. Since the end of Cold War, Europe has witnessed major changes in its role and what seemed to be just an economic integration for a consolidation of peaceful relations between the European countries, led to what nowadays is to be considered one of the top actors in the world, characterized by credibility, influence and cohesion. This process is still evolving the structure and action of the EU, which is having much relevance concerning the relations with the CEECs (Central and Eastern European Countries), some of which are still struggling in the recovering process from the post-communist era.

But what are the core elements to be defined as a civilian power? Firstly, the centrality of economic power in order to fulfill national goals; the second factor is the importance of diplomatic co-operation to solve international disputes; and lastly the willingness to use legally-binding supranational institutions to achieve international progress<sup>20</sup>. Duchene is the first scholar to correlate this definition to the EU, stating that the ability of a civilian power is to transpose international controversies and issue into the domestic area; obviously this process would need what Nye defined as soft power, a combination of persuasive strength, cultural and immaterial force that projects the interests of the actor towards others, who therefore will be influenced. In addition to this kind of definitions, it is possible to take into account the one given by Mario Telò, according to whom it is very relevant to bear in mind the relation between the internal context and the external one in order to state that the EU is a civilian power due to its influence that springs from its large economy and democratic polity that has internal and external consequences. Regarding Telò's conceptualization of the EU as a civilian power, first of all He emphasizes the mistakes that the idealist perspective makes, when talking about this supranational organization as an autonomous micro-Cosmo, with separate rules and way of living. As a matter of fact, this kind of view cannot be seen as well-founded anymore, after the internationalization of certain issues such as terrorism after 9/11.<sup>21</sup> Formerly the world witnessed a period of increasing economic interdependence, new actors came to gain more power such as multinational companies, the information revolution began and this led to great efforts for a better understanding of the globalization *phenomenon* that eventually would have led to a more equal development around the world; it is true: all these aspects seemed to encourage the liberalists to see that a global governance was possible

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<sup>19</sup> Bull (1982: 151)

<sup>20</sup> Manners (2002: 237)

<sup>21</sup> Telò (2009: 37)

through the creation of hybrid networks combined to elements of intergovernmentalism without forgetting the factor of more inclusiveness for the *demos*. The nowadays situation does not allow this possibility, at least not for the moment.

Currently, a civilian power must be able to combine indirect tools of persuasion as well as practical military action, just regarding the so-called Petersburg tasks which concern peacekeeping and humanitarian missions. Teló believes that when the EU is defined as a civilian power, it proves necessary to label it as a power that «adopts civilian means to achieve civilian objectives and is based on democratic procedures of internal legitimacy»<sup>22</sup> but that because of its internal characteristics, it cannot be considered as a classic actor able to use both political and military tools to gain power at international level. Instead the EU plays its external role depending on the internal forces that drive the action, the policy field and the general internal pressures. These are the core elements to take into account when considering a new model for a civilian power. Therefore, in a new context characterized by a gradual redefinition of the Westphalian order, the security issue does not concern just certain actors anymore; hence a civilian power should be able to use both influence and persuasion as well as other patterns depending on the policy field, considering also conditionality or the strength of military action, limited to the situations previously shown.

Lastly, it is important to highlight another core element that enables the EU to be such a power: regional multilateralism that can be seen as a valid tool to avoid fragmentation, anarchy or unilateral tendencies. Finally it is possible to combine the theory with reality. The EU is to be seen as a civilian power since it is able to gain external importance regarding several policy areas; as a matter of facts at the moment it is the leader of the climate change and environmental policy (although according to Kagan, this is just because the US decided to give up on that subject), it has the most well-built development policy, it is the greatest economy (the largest exporter and the second largest importer of goods).

The civilian power of EU has always been mainly economic but as Manners states, there is also another very prominent typology of power that is perfectly embodied by the EU: the normative one.

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<sup>22</sup> Teló (2009: 41)

### 1.2.2 EU as a Normative Power

It is possible to define as normative power the “ability to shape conceptions of ‘normal’ in international relations”<sup>23</sup> and it can be stated that the EU is using this tool following some core elements such as peace, liberty, democracy, rule of law and respect for human rights. At the same time these factors are the causes and the consequences of the *unicum* that the EU is, which not only is economically powerful but is also strongly influencing through the power of ideas; as a matter of fact, the recent enlargement has been an example of it.

Considering the power of influencing without coercive force, the EU has been able to become a leader surely due to its historical characteristics that enabled the area to live a situation of perpetual peace and freedom since the end of II World War with a gradual changing of the political and legal system, from a Westphalian order (defined by autonomous states, formed by three core elements which are population, territory and monopoly of use of coercive force) to an increasing economic integration that, due to spillover effects, brought about some political and social changes. Nowadays the area is characterized by a vaguer distinction between domestic and foreign affairs, mutual surveillance, the rejection of force to solve internal divergences and more transparency that eventually enabled the creation of a security zone.<sup>24</sup>

The EU is one of the most powerful normative actors also because values such as democracy, rule of law, human rights and a market economy are peculiar of this entity since they were stated in the so called “Copenhagen criteria” in 1993 and strengthened by the Madrid European Council in 1995.<sup>25</sup> These explicit statements make it clear about the willingness of the EU to put universally acceptable values and interests at the centre of its action and this is the way the EU has been able to build up its normative power, through policies, treaties and conditions that follow these elements. There are also four “minor” norms that Manners takes into account when explaining the normative basis of the EU: social solidarity, (which is part of the *acquis* required in order to become a member), anti-discrimination (that includes the protection of minorities, an element that has been firmly stressed out especially before the

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<sup>23</sup> Manners (2002: 239)

<sup>24</sup> Cooper (2002)

<sup>25</sup> [http://europa.eu/legislation\\_summaries/glossary/accession\\_criteria\\_copenhagen\\_en.htm](http://europa.eu/legislation_summaries/glossary/accession_criteria_copenhagen_en.htm)

inclusion of the Baltic countries), sustainable development and lastly the principle of good governance.<sup>26</sup>

All these elements allow the EU to prove that it is an entity that is worth more than the sum of the single parts and that it is able to diffuse its norms through several tools; the first one is contagion, and is based on the ability to use political actors to spread Eu ideas; secondly, there is the informational diffusion, which results from the use of strategic communication such as important policies or initiatives from the president of the Commission; thirdly, the EU can diffuse its norms through the procedural tool, that enables this actor to create a bond with third parties making use of multilateral agreements or inter regional dialogue, a method much used in relation with the Mediterranean countries. There is also transference, a more practical method, since it involves the use of either the carrot or the stick and takes place with actual exchange of goods, assistance or services with third parties; another important tool concerns the use of cultural filters, which is a constructivist element, since it is based on the relation between the creation of social and political identity through the diffusion of specific norms and the construction of knowledge: this tool is used in the case of diffusing democratic norms in China or spreading the human rights in Turkey. Lastly, the over-diffusion method is the one that requires the physical presence of the EU in a third party or international organization, and this is the reason why this is the least used method to diffuse European norms and values.<sup>27</sup>

### 1.3 CONSTRUCTIVISM

The final analysis regards the constructivist approach, which is based on the concept of idea (in a meaning that includes values, identities and images) that constructs the behavior of the states (the main actors of the international order), shaping their identities and interests which, therefore, are not objectively preexisting compared to the states themselves. The interests of the actors begin to be shaped during the process of interaction that creates the international order. From this point of view it is possible to state that the EU is to be seen, or rather perceived, as an actor by relevant audiences but it is not a fully developed actor, yet. The constructivists focus on the relation between the actors and the structure, therefore it is possible to consider the EU an actor in the international system just if it is capable of agency,

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<sup>26</sup> Manners (2002: 242)

<sup>27</sup> Ibidem, 245

which is to say that it has to be able to formulate goals and make decisions, and thereby take purposive action.

In order to analyse an “actor under construction”, there are three main elements that can be studied: opportunity, presence and capability (Bretherton & Vogler, 2006). The first topic concerns the factors and events in the external structure that can enable actorness or, put in another words, the context in which the process of framing and shaping events takes place. It proves necessary to highlight that when talking about structure, it is meant not only material, but also immaterial factors; hence the opportunities and policies discursively constructed have to match with material aspects, although the expectation-capacity gap is one of the most remarkable critiques to the European Union. The second element is presence, by which is meant the ability to shape identities, perceptions and expectations of others in the external context. Of course this is closely related to the European identity and the internal priorities the actor has. The Eu has began to exert its power through the economic market that has a quite relevant magnetic force. The latter topic concerns the internal aspect of being capable of acting, concerns the internal context and the ability to capitalize on presence, respond to opportunity or formulate effective policies. Of course it needs certain elements such as domestic legitimization as well as the capability to define policies and priorities following a path of consistency and coherence.<sup>28</sup>

The overview of the main academic approach regarding the analysis of the European Union as a global actor has been given. Depending on the assumptions of Realism, Liberalism and Constructivism, it is possible to state what kind of power the EU is at the moment and is going to become in the near future, whether it will be able to overcome the crisis that has spread especially in this area or if it will be a crushing defeated project.

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<sup>28</sup> Bretherton & Vogler (2006: 24)





## CHAPTER II: HOW DOES THE EU HAVE EXTERNAL INFLUENCE/ACTION?

As analyzing the European foreign action there are several changes, and to some extent improvements, which are to be witnessed during the last 20 years through the ratification of several treaties and the addition of protocols among the Member States; another fundamental step has surely been the enlargement that this organization has lived in 2004 and 2009 (without forgetting the impact that the entry of Croatia in the EU will have this year). The typical dichotomy of “enlargement versus deepening” seems to have finally arrived to a conclusion, with a positive response for the first action. But the question that naturally arises from this perspective is about how the EU will continue to deal with more new member states that come from a different context and have such a dissimilar cultural and historical background. Moreover the discussion will lead in the direction of a more significant topic, which is the ability of the organization to deal with external issues, keeping together such a diverse and complicated internal environment in which there are almost 28 member states with different needs, willing and culture.

A fundamental step toward a more pragmatic and concrete external action for this regional actor has been the creation of a second pillar, the CFSP, through the Maastricht Treaty in 1992. The first pillar of the EU was already based on specific policies such as trade policy, humanitarian aids or development policy, and it characterized the European Community. With the new Treaty in the early 1990s, the need of a “single institution framework” has been remarked but at the same time a more intergovernmental approach has arisen as well. As a matter of fact, since the ratification of the Maastricht Treaty, the CFSP has added value and has been more useful to small states rather than to the biggest ones.<sup>29</sup> Due to scarce efficiency and low performance, the EU has tried to get back in track with a new Treaty (the Amsterdam one), in 1997 to fix specific matters, and more deeply with the Treaty of Lisbon in 2009.

As Telò points out, at the moment the European map is highly vague and undefined. The external behavior is characterized by multiple distinct actions that lack coordination and often create overlapping and wastes, without the possibility of creating a clear, unified, effective external policy. The creation of a High Representative (HR) of Foreign Affairs and the EEAS

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<sup>29</sup> Telò (2013: 29)

(European External Action Service) in 2009, seemed to be the cure for this illness that has kept weakening the EU. Nevertheless the HR seems to have quite problems to become more efficient, also due to the fact that it is a two-headed institution. This might be the reason why the first annual report of HR Ashton focused on quantity of actions (over 400 statements) rather than quality of the European missions.<sup>30</sup> Also, part of the Member States continue to make use of the possibility of derogations, opting out or exceptions creating more institutional complexity. The more the EU aims at being more cohesive, the more complexity increases and Member States find a way to hold on their sovereignty, especially on foreign policy matters.

But first of all, it is relevant to take into account what is to be defined as external action itself. Schimmelfennig and Lavenex have tried to define the European external action more as an “external governance”. But as defining the content of the keyword- EXTERNAL INFLUENCE- it is possible to converge toward mainly two approaches a more classical one that is an agent-based conception and a more institutional one. The first kind usually bases its core elements on the idea that the EU’s foreign policy lacks too many properties to be defined as successful or simply germane. From a constructivist point of view it is also possible to define the international actorness of the EU as the capacity of functioning actively in relation to other international agents within the global system. Following the original model designed by Jupille and Caporaso, this scheme can include four different items that define the degree of actorness, which are to say: cohesion, authority, autonomy and recognition.<sup>31</sup> On the other hand instead, the latter model is focused on «institutional processes of norm diffusion and policy transfer» rather than the common definition of a unified state-actor-model, which is usually taken for granted; also, this model is strongly related to the external outcome of an internal process of integration, which is based on norms, regulations and policies.<sup>32</sup> The words the two scholars use to define their model is EXTERNAL GOVERNANCE, sustaining that this term has to be taken into account pursuant to the definition that the IR appoint to it. As a matter of fact, “governance” regards a specific action of horizontal (rather than hierarchical) policy, characterized by coordination, neutral in respect to politics and led by technocrats rather than political actors; when applied to EU external relations, a governance approach implies a high degree of institutionalization and the existence of a common system of rules

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<sup>30</sup> Telò (2013: 42)

<sup>31</sup> Groenleer & Van Schaik (2007)

<sup>32</sup> Lavenex & Schimmelfennig (2009: 794-795)

beyond the borders of the EU and its formal, legal authority. The theory just cited is part of a broader and manifold theoretical entity which is institutionalism. This theoretical approach is subdivided in three typologies: rational choice approach, the sociological one and the historical institutionalism.

**RATIONAL CHOICE THEORY:** It has a similar understanding of social life to economists and focus on the formal institutions rather than the informal ones. The relationship between institutions and individuals is strategic, and actors behave according to fixed preferences which are exogenous; therefore the institutions can predetermine how others will act according to a calculus and rational approach. The major scope of politics is to solve collective action dilemmas, attempting to do so with the lowest expenditure of costs, gaining the highest benefits as possible for the collectivity. The behavior of institutions is based on a major goal which is efficiency, hence once they reach pareto efficiency, they will not change their policies. This is the reason why institutions which are efficient will survive in the competitive selection. Lastly, when defining rational choice theory, time is another relevant variable, since it takes into account only short term actions, snapshots as Pierson defined them.<sup>33</sup>

**SOCIOLOGICAL INSTITUTIONALISM:** It belongs to a more constructivist sphere since its primary elements are cultural ones., and the key concepts of this approach are: identity, cognitive and moral templates, values and legitimacy. Politics is seen as a social-constructed and dynamic equilibrium that changes whenever it is affected by changes of institutions or more broadly of context. As opposed to Rational Choice Theory, this kind of institutionalism considers the actors' preferences as socially constructed, hence they may change or be affected and bounded by institutions, depending on the context in which the actors live; this is the reason why preferences are seen as endogenous, since they depend on the structure which individuals are in. A very prominent element is relation between social groups and institutions, which, if legitimized by the former agents, have a better possibility to become stable; from this topic is also possible to refer to isomorphism, a process based on the possibility to make prominent and use similar institutional structures in several countries or policies due to a sort of spillover effect. Finally, the conception of time is based on a long-term perspective.

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<sup>33</sup> Pierson (1996: 127)

**HYSTORICAL INSTITUTIONALISM:** Last but not least, this approach can be seen as halfway between the previous theories just analyzed firstly because it has a broader definition of institutions and due to the fact that it considers preferences has cultural ones and based on a calculus approach as well. Politics is conceived as relations based on power and changes in institutions may cause unintended consequences that were not part of the initial reasons for the alterations.<sup>34</sup> Usually institutions develop following path dependence, which is to say a more or less stability difficult to change during time.

In order to understand how the EU is able to have a consistent external role, although it is ruled by nation state, it is fundamental to be aware of the kind of influence the EU can have beyond its borders. The European Union's growing international weight has gradually been shown by the relations it has built up with third countries, regions and international organizations. Certainly it is possible to state different answers basing them on the approaches previously analyzed and the degree of influence and external action may vary, depending on regions and the policy fields as well. Hence, there are two different categories to take into account when trying to define EU foreign policy and they regard the structure it is used and the sort of action. For the former matter the intergovernmental approach will be compared to the idea of a unitary-single actor, while for the latter topic there are three main typologies of action to take into account in order to introduce a clear and deep overview; firstly the EU as an economic power will be discussed, especially within the global crisis and in a global context where new actors are emerging; secondly it will be showed the main elements of the European security and defense policy and it will be discussed its efficiency and cohesion. These topics that are to be related to the three IR approaches explained in the first chapter.

## **2.1 STRUCTURE: DUAL INSTITUTIONAL ARCHITECTURE**

### **2.1.1 Community Procedure**

The common view regarding the European Union as an external and efficient actor rests on the relation between the ideal-type of a unitary action and the reality that instead still struggles on being cohesive. This is the reason why the Lisbon Treaty has been considered as one of the most important formal elements to sustain the role of the EU as a whole. As a

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<sup>34</sup> Pierson (1996)

matter of fact, it is possible to state some core positive elements introduced by this Treaty; firstly, the affirmation of greater continuity in the external representative functions, due to the creation of the EEAS (European External Action Service) directly connected to the High Representative of the Union for Foreign Affairs and Security Policies, a role that at the moment has been assigned to Catherine Ashton, who at the same time is also Vice-President of the European Commission and whose function is to improve upon external coordination. Secondly, a higher coordination between European politics and economy and lastly an improved diplomatic representation. In 2009, with the Lisbon Treaty, a second pillar, the CFSP, has been introduced as a method to establish more coherence and hence find a solution for the inefficiency of European external action. According to Art 27 of the Lisbon Treaty a European External Action Service (EEAS) has been created with the scope of eliminating the lack of coordination between the supranational institutions and the single member states' diplomatic bodies. Too high transition costs have arisen during the past 20 years and a solution for better consistency and concrete external action is finally being given. The EEAS works on two different dimensions: the horizontal one (between MS and EU institutions about the FP), and vertically (between the 27 MS that seem to not be ready to give up their national competences for a united FP).

One of the main critiques is that there has been a strengthen of foreign policy from a structural point of view but not concerning the voting system and most importantly, there has been an increase in complexity, derogations and exceptions that will surely affect the external relations causing less transparency and openness;<sup>35</sup> this can be seen as a warning of the fact that the Member States are still not willing to delegate too much of their sovereignty. The Lisbon Treaty has also introduced an important subdivision regarding the competences between EU institutions and the States. This is the reason why it is possible to differentiate between EU exclusive competencies (regarding trade, competition and monetary policies), shared competencies (concerning internal market, energy, economic and social cohesion etc), parallel competencies (in particular about research and development policies, which is to be considered as a subcategory of the previous one) and lastly coordination competencies (regarding vague issue areas such as industry, culture, tourism, education, civil protection,

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<sup>35</sup> Teló (2013: 34)

public health), and topics about which the EU can only take supplementary actions to the member states.<sup>36</sup>

Nevertheless one of the main characteristic to be a fully developed united external actor is coherence, which in a theoretical sense should include a transparent and tension-free interaction among the actors that are directly involved in the process of formation of a foreign policy. There have been several ideal-type schemes to define this important attribute for an international actor, but mostly it is possible to talk about external, internal, vertical and horizontal coherence. There is also another typology of differentiation to take into account, and it divides the topic in five subcategories: vertical, horizontal, strategic, narrative and external engagement coherence. Vertical coherence concerns the relation between all the Member States and the European institutions. Secondly, horizontal coherence is related to the need of a clear distribution of competences between the European institutions based on a specific subdivisions regarding the various pillars and a smooth coordination between supranational and intergovernmental mechanisms. The third feature, the strategic coherence, regards the ability to have clear goals and objective of external action, avoiding contradictions in the general direction of the external policies. Also, the fourth type of coherence is the narrative one: it is the one related to the elimination of the gap between real actions and rhetoric (for ex: EU says it's a global leader in climate change policy but in reality it isn't so). Lastly, there is a constructivist feature to take into account: the external engagement which rests on the idea that in order to create a coherent external policy, it is important to focus not only on what EU can introduce in the external world but also what and how the external environment influences the choices that the EU makes. Hence a mutual exchange with external actors is required. This is what is called external engagement coherence.<sup>37</sup>

Overall, it is possible to state that, although the EU will never be able to fulfill all these criteria at the same time, since they are theoretical schemes, it does not mean that this actor will not develop a partially coherent and consistent external action. As a matter of fact there are other multilevel and very complex organizations, such as the WTO (World Trade Organization), that are not able to activate all their branches and coordinate them in a totally unitary manner. Nevertheless improving in harmonizing these kinds of action has to be a

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<sup>36</sup> Mayer (2013:112)

<sup>37</sup> Mayer (2013: 106-108)

fundamental objective in the European Union agenda if the main scope is to create a cohesive single external action, although in a multilevel and very complex internal context. European international relevance has to rely upon a balance between policy tools and an effective decision making structure, typical elements of high politics, which is often taken into account when analyzing EU global role from a neofunctionalist or neoliberal perspective. However, this Community approach has not been fully developed as a supranational system (focused on Commission, European Parliament and Court of Justice) useful for pursuing specific common political interests; in its place, especially in the first phase of the European Community, the Member States developed a different perspective, parallel to the supranational one, based on low politics: the intergovernmentalist approach.<sup>38</sup>

### 2.1.2 Intergovernmentalism

This theory has emerged in the late 60's as a form of critique towards neofunctionalism, which at that time was the dominant paradigm in the IR context. Intergovernmentalism draws elements from different perspectives, such as Realism, since it is based on the idea that the European integration is driven by interests and goals that the states, especially the biggest ones (mainly UK, France and Germany in the European context), consider more important and significant for their own status, within an anarchic environment. Hence states have survival as a priority, which eventually can be matched with economic growth as a secondary aim.

It is possible to make use of intergovernmentalism not just as a theory, but also as a method; in fact it can be a useful method to define the European integration (or rather cooperation as intergovernmentalists prefer to refer to), pointing out the contribution that this approach can have in diminishing the role of supranational institutions such as the European Commission or the Court of Justice, in favor of greater tasks for institutions that do represent national governments and ministries, such as the European Council<sup>39</sup>. Usually embracing this idea is a way to appoint critics to the EU, since it seems like this actor does not have an individual soul but rather is led and ruled by single states that are still the real holders of sovereignty. As a matter of fact, this approach is seen as one of the reasons why the EU is not able to behave following a coherent path, especially concerning external action. The EU cannot be

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<sup>38</sup> Tonra (2009:3)

<sup>39</sup> Cini (2010: 88)

considered anything but a multi-actor organization and this is why, in such a context, coherence is a need, although fragmentation and inefficiency deriving from it are not just typical of this kind of actor, but can also be observed inside national contexts.

Embracing the intergovernmentalist point of view means that the unit of the system is still the state, but at the same time it is possible to consider Liberal Intergovernmentalism, whose main scholar has been Andrew Moravcsik, which combines elements deriving from both neorealism and neoliberalism. Pursuant to this approach, states agreements derive from a policy of “lowest common denominator” mostly on the basis of economic interests and bargaining (influenced by intensity of preferences and issue linkages). Of course this approach is also based on internal political elements (a typical connotation of Liberalism) such as the evaluation of the intensity of national interests or alternative issue linkages that eventually will lead to interstate negotiations and outcomes.<sup>40</sup> Lastly, the EU appears to be the only international agent that needs to be criticized regarding its intergovernmental characteristics, while there are other relevant organizations, such as UN, which are led by powerful states but are not subject of this kind of negative critiques.<sup>41</sup>

But besides these pragmatic matters, there is also a final element that seems to be often forgotten: the discourse issue; the linguistic fragmentation is to be considered as an obstruction since it does not enable a European public space, where confrontation and understanding of the European policies are given, especially to the national civil societies.<sup>42</sup> There is also a willing to not introduce the discursive method inside the European area, and this action is mostly advanced by the biggest member states that aim at keeping a national autonomy for foreign policy, to the detriment of a positive legitimization of the policies that discourse would facilitate to arise, as comparative politics analysis show.

### **2.1.3 A Third Choice: the Synthesis between Community Procedure and Intergovernmentalism**

The complexity of the European system has to be taken into account when trying to understand the process of decision-making regarding the numerous external policies.

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<sup>40</sup> Cini (2010: 97)

<sup>41</sup> Tonra (2009: 5)

<sup>42</sup> Lequesne (2013: 85)



Nevertheless, it is not possible to undermine the international role that the EU has acquired, even if it is still not fully-fledged. Surely it is time to overcome theoretical disputes and try to define the international role of this actor basing the critics on the real power and strength the EU has (or has not) to shape events and global goals or interests, ceasing to pretend that it can be seen as a state-type of actor, as most of the rational-based theories have attempted to do. One of the most remarkable approaches to perceive European action, is based on a double level: the synthesis between intergovernmentalism, since the Member States do have a leading role in constructing the European external policy, and a supranational approach, which has enabled the EU to display more coherence since the Lisbon Treaty has been ratified. Instead of focusing on the actor-based structure, it may be useful to focus on a peculiar element of constructivism: the importance of identity and the path to construct a European identity through public opinion and discourse.<sup>43</sup>

Most importantly there are cases in which it becomes possible to combine an intergovernmental approach with a European united action; although national interests of single Member States might still be a limit for EU capacity to act, due to the energy and efforts needed to work toward the same direction, it is remarkable to highlight how it is in the Member States interest to act together in a coordinate manner, avoiding the typical criticism that is often shared at international level about the EU, and hence strengthening their ability to influence the outside context in support of their own ambitions. There is also another important topic to take into account: the importance of speaking with more than one voice. As an example, Karen Smith states that since the EU has begun to take part to UN, concerning human rights policy, lowering 25 states to one single European voice diminishes the ability to influence and the power of persuasion within a context characterized by numerous delegates and actors, especially if they are hostile to human rights.<sup>44</sup> In fact, several actors can become more powerful than one great actor if conceived in a general context against human rights protection.

Hence, the new strength of this international actor is being able to shape structure, contents and priorities of the national foreign policies (beginning from various common and shared values and mechanisms already present in the national context) in favor of a collective environment in which it is possible to create a policy agenda shared among all the Member

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<sup>43</sup> Tonra (2009: 10)

<sup>44</sup> Smith (2006: 133)

States who, at the same time, are still able to pursue national interests through their own foreign policies, without forgetting the national perception of priorities and situations. Regarding some of the policy areas which are to be considered as part of the shared competences (such as environment) between EU institutions and Member States, and that are determined using both a community and intergovernmental approach, it is possible to state that the EU is still able to have influence and to speak as a unitary actor, although the real decision makers remain the states. The reason for this gradual evolution is to be found in the ongoing congruence that is being achieved between national interests, due to continuous social interactions that have been shaping internal interests and objectives toward more similar preferences. As a matter of fact, it is possible to make use of a combination of both rational choice perspective and sociological institutionalism to explain the development of an active and well functioning international actor such as the EU in specific external policy areas. To put it another way, the congruence of Member States' initial preferences has been a key element to move toward a strengthened external behavior, since it showed the capabilities of the Member States to find a conjunction among all their basic goals and to work together in order to achieve those which are mostly relevant for all of them. Even the voting system enables to understand that, although not all Member States will always agree on the decisions to make, unanimity is not the fundamental element for creating a unitary European actor. Furthermore, it is possible to show how regarding specific topics, the initial divergences among the Member States have gradually moved toward the same direction, leading eventually to a common solution due to socializations processes. This is made possible due to moral motivations, since the 27 European units have witnessed a common history and share most of their values, and therefore on the basis of similar goals to achieve, they have been able to converge their preferences even further over time. Another important element that can be attributed to the sociological institutionalism is the role of norm entrepreneurs such as NGOs (Non-Governmental Organization), which work as a filter between Member States and EU institutions, marketing their points of views and interests.<sup>45</sup>

In conclusion, remarkable signs show the improved interconnection and agreement between Member States and EU institutions; this *phenomenon* has been analyzed from an institutional perspective, following rational choice and sociological institutionalism that enable the analysis to focus on formal as well as informal institutions. Hence, it is possible to state that

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<sup>45</sup> Groenleer & Van Schaik (2007: 989-90)

Member States have begun to coordinate their external policies, regarding for example human rights or climate change issues, following from their internal interests, which has to have at least some kind of common degree of shared features. Over time their policies have become more “Europeanized”, enabling the EU to acquire a quiet high degree of international actorness, although the states remain the leaders regarding the decision-making process of European foreign policy.

## 2.2 WHAT KIND OF EXTERNAL ACTION?

### 2.2.1 European economic power during the crisis

The economic history of Europe has witnessed gradual changes and several crisis, one of which is still causing negative consequences not only from an economic point of view but also-and this is probably even more alarming- institutionally and politically.

For several centuries Europe has been the core area in which technology and development has arisen and evolved such as in the ‘500-‘600, during which the model of a Westphalian nation state arose. Moreover, in the mid XVII century Western Europe had the highest level of income per inhabitant, 80% higher than world average, and in 1973 this difference was even great (about 185%).<sup>46</sup> This economic growth has brought to the fore a euro-centric culture based on the superiority of culture, values, institutions that, according to the European vision, needed to be spread to the rest of the world in order to provide civilization to other countries. For a long time this general wealth has been opposed to the Asian environment, in which the income per inhabitant has always been a small fraction of the European one. But during the 1970s this “great divergence” has slowly begun to shrink, eventually leading to the arise of two new great powers: China and India. This process has been enabled due to new economic approaches of these Eastern countries such as the reduction of tariff barriers through the Indian New Industrial Policy in 1991, announced by the Prime minister Narasimha Rao.<sup>47</sup> But before 1992, another endogenous element had a relevant impact on what the European Union has achieved economically so far: the Single European Act in 1986 that has been officially put in act in 1993; it strengthened the four main pillars of the European common market,

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<sup>46</sup> Toniolo (2013: 89)

<sup>47</sup> <http://www.bbc.co.uk/news/world-south-asia-12641776>

which are to say: free movement of goods (Art.28-30 TFUE), services (Art. 56 TFUE), people (Art.45 TFUE) and capital (Art. 63-66 TFUE).

Finally in 1992 the Maastricht Treaty opened up the doors for an economic and monetary European Union that officially begins to make use of the single currency in 1999, dictating to the states to follow a common monetary policy decided by an autonomous institution which is the European Central Bank (ECB). Before the global crisis burst in 2007, the EU had already begun to have difficulties to keep in track with the United States' growing economy, and had become worried of the increasingly stronger –but still behind- BRICS. Analyzing two basic markers it is also possible to state that the EU since the late 70s has slowly decreased its capacity to chase American economy; it has been showed by the lower income per inhabitant and by the productivity that, although has kept high levels for longer time, little by little has been overtaken by the American one. Hence, from this standard and static approach it is possible to state that the future of the EU is not so bright and it will soon be overcome by new powers such as China, (although nowadays it is still the largest economic power in the world, regarding total GDP) or will keep being less strong and efficient than the United States. Nevertheless the pessimists have not won the battle yet. As a matter of fact, there are several indicators that too often are being forgotten, which display the positive factors of the economic strength of the EU, compared to the New World. Some of these aspects are purely economic (such the more equal distribution of income and wealth within the European society) and other important elements such as a higher life expectancy by almost 2 years, lower infant mortality or crime rates.<sup>48</sup> The conclusion of Toniolo regarding the comparison of the European social model and the American one is that, if the statistics considered all these aspects, the differences between the two economies between 2005 and 2007 would not be so in favor of the American model. (Toniolo, 2013).

What about the years of the crisis? It is true that the Euro area has lived a more severe economic contraction, but it has not been such a severe deviation from the American one, if taking into account the imbalances regarding the GDP per capita (since the US has a higher increase of population), rather than the total one. The main problem, that too often is underestimated, is the complicated gap between the Mediterranean countries (that seem to struggle more to find a way out of the recession) and the virtuous states of North and Central

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<sup>48</sup> Toniolo (2013: 97-99)

Europe which are less willing to find solutions for the defaulting Southern countries. (De Gasperi). But once again, although the increasing proficiency of the Asian countries will not be undermined, the EU needs to find an effective method that enables the community to escape from the crisis as a united group, perhaps also through cooperation with the United States, which on the other hand seem ready to undertake common measures to develop successful measures against global issues that concern mutual interests, especially on the commercial side.<sup>49</sup> Nevertheless, this structure will be hard to be built if there won't be a solid base sustained by supranational institutions and democratic legitimacy.

### **2.2.2 European security matter: military capabilities and inefficiencies**

The topic of security and defence policies has always been one of the most problematic and unstable ones for the European Union. It can be said that these policies have lived a mix of successes and failures that still need to find a stable equilibrium.<sup>50</sup> Certainly this is brought about by the institutional structure and the decision making process is an influencing matter as well, since the main issue is still dependent on the Member States which seem to understate the importance of a cohesive approach regarding defense and security matters, especially when concerning the relationship with the United States. As a matter of fact, the states still remain the dominant agents in security issues especially in Europe, where the structure is financed and governed through these units.<sup>51</sup>

Let's review the most important steps that have led to what the EU is nowadays from this specific point of view. Firstly, since the 1970s there have been general efforts to combine economic issues with more general ones, in order to broaden the European matters to foreign affairs. This has been possible with the European Political Cooperation that has been introduced in the Luxembourg Report of 1970 and then annexed to the Single European Act in 1987. Through this first step, the idea was to create a better cooperation and coordination among the European foreign ministers, although still objectives of continuity were not really achieved.

A second phase initiated with the collapse of the Berlin wall, which symbolically expresses the collapse of the Soviet Union and more so the end of Cold War. At that time Europe was

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<sup>49</sup> Toniolo (2013: 108)

<sup>50</sup> Dover (2010: 256)

<sup>51</sup> Webber (2004:6)

finally able to broaden its influence and engagements towards the Eastern part of it, becoming a symbol of a peaceful area that did not need the American support in mainland Europe. This is the period in which the Maastricht Treaty was formulated; it enabled the creation of the Common Foreign and Security Policy (CFSP). The second pillar (which is to say, foreign and security policy) is based on an intergovernmentalist set-up, especially regarding the decision making process in which the Member States and the Commission share the initiative phase and usually the decisions are taken by unanimity -which enables any Member State to apply its veto power if in disagreement- or by consensus –which involves the agreement of all the members, even in cases in which it is not formally a requirement. The litmus test has been the Yugoslav experience, in which two fundamental actors such as UK and France has showed their contrast on the efficiency of CFSP. On the one hand the former Member State declared how the Yugoslav case was an example of the European inability to create a common and effective foreign policy, while on the other hand, the latter actor affirmed that this experience demonstrated the reason why a common strategy was required. Nevertheless it is certain that the case has showed too much fragmentation among the member states and very low effectiveness in the resolution of the Yugoslav crisis.<sup>52</sup>

The most recent step has been achieved through the set up of the European Security and Defence Policy (ESDP), established after the so called “Saint Malo process” in 1998, where once again UK and France have been the key actors to attempt to deepen the European integration in security and defense policies, without undermining the role that NATO has always been. This latter topic facilitated the agreement of the German government that since the late 1990s had been one of the major US ally from the European region<sup>53</sup>. Subsequently, the ESDP was introduced at Helsinki in 1999 and combined with what has been named as the Petersberg Tasks, a range of actions such as humanitarian tasks, peace-keeping operations and crisis management in which the EU should have been able to make use of its own military forces, as stated in Art 17 TUE ([http://europa.eu/legislation\\_summaries/glossary/petersberg\\_tasks\\_en.htm](http://europa.eu/legislation_summaries/glossary/petersberg_tasks_en.htm)). Little improvements toward a supranational framework regarding defense and security policy were finally being made. For example the Nice Treaty empowered the Council to use QMV (Qualified Majority Voting) for ‘decisions relating to internal matters’, which are to say Joint Actions (defined as coordinated actions among Member States to place resources for already

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<sup>52</sup> Dover (2010: 245)

<sup>53</sup> Ibidem, 248

arranged foreign policy purposes) or institutional design. Moreover the Lisbon Treaty aims at structuring EU security policy in order to be more functional in the new global context that has pointed out new challenges and threats. Nevertheless it is still possible to show how on the one hand a more cohesive approach has been enabled due to the creation of a High Representative of the Union's Common Foreign and Security Policy (Art. 18 Lisbon Treaty) but on the other hand "the most important institutions within CFSP and ESDP are the foreign and defence ministries of the member states".<sup>54</sup> Besides, the EU is improving its policies in order to become more capable, more coherent and more active, especially regarding new issue areas such as: proliferation of weapons of mass destruction, terrorism and organized crime, cyber security, energy security and climate change.

In conclusion, as shown by the numerous documents accessible from the EU, the tools this international actor plans on using are typical of civilian or normative powers such as political instruments, diplomatic, economic (for instance trade cooperation) and humanitarian ones, combining efficient administrative structures with military plans and financial mechanisms drawn from national levels focusing on an external action based on the principles expressed by UN (Report on the Implementation of the European Security Strategy, 2008).

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<sup>54</sup>Dover (2010: 251)





## **CHAPTER III: EU AND THE ENVIRONMENTAL POLICY: A POSSIBLE LEADING ROLE**

Over the past two decades an increasing importance of the environmental topic has been witnessed in the international affairs; in this broad context the EU has been profoundly involved in the matter, although there are many conflicting opinions regarding the quality of the overall European role in such a innovative area. One of the main issues to take into account is climate change, since according to the Third Assessment Report of 2001, by 2100 the global temperature will increase of between 1.5 and 6° Celsius, not only a greater challenge than the difference between the last ice age and now, but also a very much faster *phenomenon* than ever.<sup>55</sup>

Hence it may be relevant to overview the role that the European Union has had in this matter, especially relating it to the cases of the Kyoto Protocol and the COP 15 (15th Conference of the Parties to the United Nations Framework Convention on Climate Change) held in Copenhagen in 2009. In particular, in this section elements in favor of an optimistic view of the EU as a leading actor will be discussed, as well as the reasons why some analysis show the inability of this agent to become predominant and influencing regarding the environmental policy. Finally the topic will be related to the possibility to create a unitary external action although the decision-making process is characterized by intergovernmentalist factors.

### **3.1 DRIVING FORCES TO BE AN ENVIRONMENTAL LEADER**

First of all, it is valuable to analyze the incentives that have brought the EU to consider the environmental issue as such an important one, and specifically understand why the EU has been aiming at playing a leading role in such a complex matter. As it is possible to state, the EU is to be seen as both an interest-based actor (which behaves following a logic of consequence, producing its decisions on self interests and demands) and a normative-driven actor as well (which is in line with a logic of appropriateness, making decisions that it considers more appropriate depending on the specific context), although the latter element seems to have been more predominant since the creation of the EU<sup>56</sup>. As a matter of fact, there are three main specific topics that are always taken into account when relating this actor

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<sup>55</sup> Ott (2001: 278)

<sup>56</sup> Van Schaik and Schunz (2012)

to environmental management and they are to say: multilateralism, sustainable development and the precautionary principle.

Firstly, effective multilateralism is considered as a core element, coupled with observance of international law, for most of the European external policies, hence including the one regarding environment. This is because the EU tends to facilitate region-to-region relations<sup>57</sup>, in order to gain a more substantial role at global level and also because, in this specific topic, the unilateral actions do not seem sufficient; in point of fact if the policy of reducing CO<sub>2</sub> emissions was embraced only by the European Member States, it would be an inefficient action, since the Union is responsible for barely 14% of global emissions<sup>58</sup>. Since in the internal context there is an institution that assures compliance (the European Court of Justice) it is also possible to suppose that creating a multilateral global framework, similar compliance mechanisms will be easily activated and moreover it would be possible to include many European norms at external level, although they derive from internal policies.

Secondly, sustainable development is another prominent aspect of EU's objectives. It relates the environmental issue to other broader ones such as economic and social progress, considering the definition of sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs"<sup>59</sup>. This principle was introduced through the Amsterdam Treaty in 1997<sup>60</sup> and is stated in Article 3 of the TUE: "*The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability [...] aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment.*" Moreover this kind of objective is easily interconnected to other policy areas such as trade and humanitarian aid. Hence the EU is showing leader capacities by including sustainability clauses in the Partnership and Cooperation Agreements and has adjusted its Sustainable Development Strategy focusing on an array of key areas such as sustainable transport, public health, natural resource, as well as the introduction of environmental impact assessment of new policies.<sup>61</sup> These are all

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<sup>57</sup> Vogler (2005:838)

<sup>58</sup> Van Scaik and Schunz (2012:173-174)

<sup>59</sup> [http://europa.eu/legislation\\_summaries/environment/sustainable\\_development/](http://europa.eu/legislation_summaries/environment/sustainable_development/)

<sup>60</sup> Furtună (2010: 44)

<sup>61</sup> Vogler (2005: 844-846)

examples of how the EU is aiming at demonstrating its strong leadership regarding international environmental issues.

Lastly, the precautionary principle has been one of the most remarkable progresses introduced by the EU. Since the early 1990s the EU has insisted in affirming this principle that aims at assuring environmental protection through ‘preventative decision-taking in the case of risk’<sup>62</sup>, even if scientific information is not complete or sufficient. It is an approach to prevent procrastination of action in policy areas where the risk is likely. A very positive result has been the inclusion of this principle in the Rio Declaration<sup>63</sup> and in the United Nations Framework Convention on Climate Change in 1992. A practical example of the EU action on this matter has been the univocal decision to downsize greenhouse gas emissions on the basis of precautionary logic, taking into account the scientific findings collected by the IPCC (Intergovernmental Panel on Climate Change), which assumes that climate change is strongly caused by greenhouse gas emissions since 1990<sup>64</sup>.

Next, the reasons for the EU to be so concerned about global environmental issues will be analyzed.

### **3.2 ENVIRONMENT: WHY SUCH AN IMPORTANT ISSUE?**

It is possible to make use of a variety of reasons to explain why the EU wants to be a global leader regarding environmental policy, especially since this policy is closely related to other relevant ones such as trade and security policies. Firstly, it is possible to state the necessity to gain more legitimacy through this kind of external policy, which is also very important for the European public opinion, therefore it is likely to take advantage of the internal support to legitimize its efforts concerning environmental issues. Nevertheless it is sure that common interests among Member States is a valuable starting point that influences the European goals as well.

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<sup>62</sup> [http://europa.eu/legislation\\_summaries/consumers/consumer\\_safety/132042\\_en.htm](http://europa.eu/legislation_summaries/consumers/consumer_safety/132042_en.htm)

<sup>63</sup> Principle 15: In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific “certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”. Available at:

<http://www.unep.org/Documents/Multilingual/Default.asp?documentid=78&articleid=1163>

<sup>64</sup> Van Schaik and Schunz (2012: 175)

### 3.2.1 US abdicates the leadership

Another interesting explanation is the one that sees the EU commitment to this matter as a way to contrast the United States<sup>65</sup>, which seem to have no interest in gaining this kind of leadership at global level. In truth, the early 1970s are the years in which, when the UN Conference on Human Environment took place in Stockholm, the EU began to get focused on these topics and this is also related to the establishment of most of the environment ministries in a lot of participating countries.<sup>66</sup> But since the 1990s it seems clear that the US are ready to forgo their key-role, as explicitly demonstrated by President Bush G.W. who in 2001 openly opposed to the Kyoto Protocol through a letter to Senator Hagel, affirming his position due to the exception for developing countries to regulate their emission cuts and therefore the negative consequences that this situation would have had on US economy.<sup>67</sup> Under Obama administration the story has not changed: although some improvements toward more cooperation seems to begin, as one of the latest speeches by President Obama reveals<sup>68</sup>. However, until now it is more likely that the US will keep considering the environmental issue as a secondary one, following what has been decided with Chinese President Hu Jintao in 2009 during Copenhagen negotiations, in which the United States rejected the possibility to drastically cut greenhouse gas emissions by 2050; this is also due to the high politicization of the matter: due to strong oil, fuel and coal lobbies the Senate has not been willing to approve the climate legislation since they see it as a threat to US stability and economic growth.<sup>69</sup>

### 3.2.2 Economic involvements of the environmental policy

As previously shown, one of the greatest strengths of the EU is the capacity to be a global economic trader, but this also includes its skills regarding the Common Commercial, Agricultural and Fisheries policies. Through these powerful tools the EU has been able to push for a substantial integration of environmental objectives within trade agreements, and promoted the inclusion of these goals in the global agenda, specifically in the World Trade Organization (WTO) context.<sup>70</sup> One of the most remarkable advantages of modifying European structures in favor of eco-friendly economic tools may be also a positive impulse for economic competition and productivity. Moreover, it has been proved that it is in

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<sup>65</sup> Kelemen (2010: 338)

<sup>66</sup> Vogler (2005: 837)

<sup>67</sup> Ott (2001: 286)

<sup>68</sup>“Obama ahead of U.S. public on climate change” available at: <http://globalpublicsquare.blogs.cnn.com/2013/06/26/obama-ahead-of-u-s-public-on-climate-change/>

<sup>69</sup> Groen & Niemann (2012:15); Van Schaik & Schunz (2012: 180)

<sup>70</sup> Vogler (2005: 845)

European interests to find long-term solutions for climate change, since the costs to act in such a manner will be surely lower than the ones that the EU will have to face in the long-run if nothing is going to be agreed on<sup>71</sup>. Nevertheless in order to become effective on this subject, an explicit support by the European public opinion is necessary, since the interests involved are manifold.

### **3.2.3 The security matter and environmental issues**

In addition, it might be time for the EU to start focusing on new typologies of energy supplies. As a matter of fact it seems like for both the producers and the consumers of oil and gas, the continuing fluctuations of price of oil are not so reassuring. On the one hand the producers cannot lower the price too much, otherwise they will have to deal with issues concerning their foreign debts but at the same time they cannot rise it either, since it would propel the industrialized countries to look for new sustainable alternatives. On the other hand the consuming countries cannot deal with low prices, which offer wrong incentives for consumers and technology developers, but neither with high ones that overall creates high disappointment for drivers and farmers who blame the governments about taxes for the high cost of oil and fuel.<sup>72</sup> More generally, since the EU is going to remain a big fuel importer, it is useful to attempt to make use of other possibilities for receiving energy supplies, especially if this imports come from countries such as Russia, which does not always have a straightforward and unproblematic relationship with the EU.

Hence it might be useful for Member States to agree on a common policy that enables them to become more autonomous regarding energy sources, lowering the levels of imported fossil fuel and hence replacing it with sustainable and renewable energy or moreover increasing energy efficiency. Of course in order to make these changes, it is necessary to present the program to the global and national public opinion as a matter of environmental policy rather than security strategy in order to gain much political and social support for the changes<sup>73</sup>. Lastly it is remarkable to state that more importance has been given to such a matter in the 2008 European Security Strategy, in which it has been highlighted how climate change might

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<sup>71</sup> Van Schaik & Schunz (2012:176)

<sup>72</sup> Ott (2001: 295)

<sup>73</sup> Groenleer & Van Schaik (2007: 984)

increase global threats and issues such as mass migrations, desertification or conflict deriving from scarce resources.<sup>74</sup>

### 3.3 MEMBER STATES AND THE EU INSTITUTIONS: UNITED BUT AUTONOMOUS ACTORS

When defining the role of the EU in the international context regarding the environmental issue, it is fundamental to analyze how its role has changed during the past years and how the leading role that seemed to be almost obtained, is now becoming an objective difficult to achieve. Moreover it is remarkable to understand the relationship between Member States and supranational institutions when it comes to external negotiations or decision-making processes. Although it is true that Member States do have different interests at different times<sup>75</sup>, it is also true that the EU has been able to form a united point of view for many negotiations of the past summits about environment. This has been possible due to the fact that internally, the states, with different desires and necessities, have been able to mediate between one another, in order to keep the broad external agenda more stable. Unfortunately there are cases in which this has not been possible, hence it will be important to correlate two different examples that have led to different outputs: on the one hand the positive case of Kyoto Protocol and on the other hand the meaningless outcome deriving from the Copenhagen Summit in 2009.

#### 3.3.1 International Negotiations: Institutions and Member States Roles

The first element to account to is that the matters regarding external policy about environment are part of shared or concurrent competences between Member States and EU institutions. According to Article 174 of the Environment chapter of the EC Treaty<sup>76</sup>, the Member States explicitly have the competence to negotiate on their own within international bodies. More specifically, the Council of Ministers has decided to not make use of the Commission to embody the EU in the international negotiations, but rather enable the Presidency to lead the negotiations, conjoint to the assisting Commission and the incoming Presidency in the *troika* (a term that formally refers only to CFSP but that is useful to explain the structure regarding

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<sup>74</sup> Van Schaik & Schunz (2012: 176-177)

<sup>75</sup> Ibidem, 178

<sup>76</sup> Art 174 of Nice Treaty, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12002E174:EN:HTML>

this matter).<sup>77</sup> Overall, because of the complexity of the issues that are usually discussed in such negotiations, the representation of the EU passes back and forth between the Presidency and the Commission, although the former institution has the most important role of coordination. Lastly it is remarkable the role that has been assigned to the European Parliament which, due to the Lisbon Treaty, has the power of veto for international agreements, including the ones regarding climate change; this can be a great opportunity for asking the implementation of the role of the EU about environment, giving also a good example of political legitimization to European actions or moreover it could be used as a fundamental element for bargaining in two or three-level games. This would be a similar approach to the one embraced by the US when referring to the Congress for its decision about climate change policy.<sup>78</sup>

A fundamental step toward external recognition of international actorness for the EU has occurred in 1979 through the denomination of the EC as a Regional Economic Integration Organization (REIO), a status that allows this actor to participate and sign Multilateral Environmental Agreements (MEAs) along with Member States<sup>79</sup>. It has been argued that often these international treaties have been concluded as so-called ‘mixed agreements’ more for political and diplomatic reasons rather than necessity. This is a consequence of the willingness of the European actors to keep the matter as vague as possible, in order to avoid the unpleasant definition of internal roles, which are still not very clear.<sup>80</sup> Hence it is possible to state that this is one of the main reasons why the European performance as a leading actor, ‘capable of effective negotiations, has been very variable’<sup>81</sup>.

### 3.3.2 Main Troubles for the EU and its Member States

The main problems are related to internal matters, which are to say: firstly, the inconsistency deriving from the rotating Presidency, which every six months changes and consequently does not permit a fully-developed action; secondly, it is understandable that many difficulties arise when trying to combine 27 different Member States, at different economic levels, with dissimilar energy and taxation policies toward a common external environmental action. Also, there might be the will for singular important Member State, such as the UK, to take the lead

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<sup>77</sup> Groenleer & Van Schaik (2007: 985)

<sup>78</sup> Groen & Niemann (2012: 18)

<sup>79</sup> Vogler (2007: 839)

<sup>80</sup> Lavranos (2002: 49)

<sup>81</sup> Vogler (2007: 840)

or keeping bilateral contacts with negotiation partners (perhaps the United States). There have been cases in which the inabilities of the EU have been very evident and subsequently have resulted in a general ineffective negotiating power. In December 2000, climate change negotiations in The Hague have had a disappointing conclusion and one of the main reasons concerns the massive amount of time and efforts spent in finding a common line among the Member States to use afterward with the negotiation partners.<sup>82</sup>

There are other significant disagreements that have led to inadequate performance of the EU, especially during the 2009 Copenhagen Summit, in which it seems like the 27 Member States could not find a common solution regarding topics such as land use, 'hot hair' or the financial contribution of developing countries. One of the most difficult topics discussed was about the possibility for the European countries to reduce their CO<sub>2</sub> emission of 30% by 2020, compared to the levels of 1990; but this effort would have been made only if other industrialized countries showed the same commitment and the developing ones contributed according to their capabilities. Unfortunately Italy and Poland explicitly opposed to this policy, tacitly approved by other Member States. Other problems arose when dealing with the possibility to change land use regarding forestry, especially for those countries such as Austria, Finland and Sweden which have great interests in maintaining their timber industry active. Lastly the EU was not able to agree about the options for the second period of the Kyoto Protocol after 2012, regarding the unused quantities of CO<sub>2</sub> allowed to be emitted, particularly important for the Eastern European Member States.<sup>83</sup>

### **3.3.3 Positive Achievements for the EU and its Member States**

Despite everything it is still possible to highlight some positive elements in the European action regarding environmental policy, especially regarding the possibility to combine the autonomy of the Member States, with the necessity of a strong international role for the EU. First of all it is possible to overcome the negative statements about the rotating Presidency, since it is an intergovernmental factor that overall contributes to form and shape a common identification with shared values and positions regarding this policy. Moreover, although it is true that European internal negotiations that usually take place before the international ones take too much time and efforts, sometimes leading to stalemate, it is also possible to better

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<sup>82</sup> Grubb & Yamin (2001)

<sup>83</sup> Groen & Niemann (2012: 6-7)



this condition by either getting more support and positive attitude among the European negotiators (especially about strategic issues that cannot be failed), or by focusing more upon general strategies, leaving aside the possibility to agree on detailed negotiation positions.<sup>84</sup> Despite the numerous inefficiencies of the EU, it is still an actor capable of stay united, work relatively autonomously and to become recognized as such a single actor by third parties, including non-state actors, and countries.<sup>85</sup>

Most importantly analysis show the fundamental impact that initial cohesion among Member States has had in order to create common positions, first among them the necessity for the EU to take over the leadership of the global environmental issue during the Danish Summit and previously the importance of solutions for climate change, which could have had severe consequences regarding energy security in the case of the Kyoto Protocol. Especially regarding this latter event, the EU did not act totally autonomously, having the Member States playing a key role, nevertheless it was still able to concretize a positive negotiation position, since it showed that its Members clearly supported it. The European will to become a key actor in fighting against climate change has also been strongly supported by the internal public opinion, since it looks as if the European public is truly engaged in pursuing an effective environmental policy, a factor that moreover added cohesion to the EU preferences during Copenhagen meetings.<sup>86</sup> Even making use of the US opposition as an incentive for the EU to lead the solutions for climate change is to be seen as a great achievement, notably for the ability of the EU to exploit this factor for its bilateral negotiations with actors such as Japan, Canada or Russia, without whom, the European efforts would be useless. As a matter of fact diplomatic relationships have played a key-role, besides the fact that it stressed the connection between environment, development, trade and energy policies.<sup>87</sup> Furthermore, there are positive elements to take into account regarding the improvements from a procedural point of view. In fact, in 2014 a new system of Qualified Majority Voting (QMV) in the Council of Ministers will enter into force and it will also enforce that Member States to vote according to their population. Hopefully the changes will be able to lower the risk of decision-making processes in which the voting system is based on positions of lowest common denominator.<sup>88</sup>

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<sup>84</sup> Grubb & Yamin (2001: 275)

<sup>85</sup> Groenleer & Van Schaik (2007: 988)

<sup>86</sup> Groenleer & Van Schaik (2007: 989), Groen & Niemann ( 2012: 5-6)

<sup>87</sup> Vogler (2005: 849)

<sup>88</sup> Groen & Niemann (2012:18)

### 3.3.4 EU Takes Back the Lead: New Horizons for the Future

A fundamental step toward a new rising for the EU in the global context of environmental policy has been the Durban Summit in 2011. As the European commitment to a reduction of 30% of its CO<sub>2</sub> emissions in exchange of other global players' commitment regarding similar reductions has failed, a new approach to the topic had to be structured. One of the main critics that have arisen against the EU during the Copenhagen summit has been its low flexibility and the unrealistic expectations which clearly have not been possible to be achieved, especially due to the impossibility to enforce specific targets without any concessions as counterpart to countries such as the US and the BASIC countries (Brazil, South Africa, India and China),.

However, it appears that the EU learned the lesson and instead of chasing utopian objectives has improved in finding bargained aims to work on, especially in relation to actors such as China and AOSIS (Alliance of Small Island States), which for example firmly reproached India for its attempts to block the deal in Durban. The positive remarks has begun in March 2010. During the Cartagena Dialogue for Progressive Action, a summit in which about 40 industrialized and developing countries put efforts for promoting a common interest in chasing climate change<sup>89</sup>, the EU showed active participation. The second step toward success has been achieved during the COP 16 held in Cancun in November 2010 in which an effective multilateral environment has been restored, enabling the EU to play a mediator role between the major actors in order to enhance future possibilities for coalitions and agreements. Lastly the Durban Climate Change Conference has fully revitalized the EU, which has been able to shape its role from a leader in decay to a 'leadeator'; first of all the EU understood the need to downscale its objectives and, although this Summit did little regarding the aim to limit global warming, a second period of commitment to the Kyoto Protocol has begun on January 2013 and will end in 2020. Although countries such as Russia, Japan and Canada explicitly states that they will not take part to this second part of the Protocol, the developing countries have completely agreed on it.

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<sup>89</sup> <http://www.climatechange.gov.au/about-us/annual-reports/annual-report-2010-11/feature-cartagena-dialogue-progressive-action>

With regards to this topic another prominent objective has been reached in 2011: a new alliance between the EU and AOSIS and African countries, which was made possible also due to EU's informal negotiations abilities. Moreover, the Durban Summit enabled the international community to bring to an end the dichotomy regarding responsibilities between developed and developing countries, undertaking a process of legally-binding agreement applicable to all parties. This has been possible due to compromises between the EU's claim for a legal treaty, and the US and BASIC countries that asked for flexibility and autonomy in the management of the topic. Perhaps these achievements have been possible due to the low expectations the global actors had for the Durban Summit, after the low performance demonstrated in Copenhagen and because of the economic crisis taking place all over the world.<sup>90</sup>

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<sup>90</sup> Bäckstrand & Elgström (2013: 13-14)



## CONCLUSIONS

The analysis of the EU as an international actor has been based on different theoretical approaches and has been explained through its main policies and behaviors within the global context. In particular the analysis has taken into account the differences that may arise when describing the EU from a realist, a liberal and a constructivist point of view. Firstly Realism does not conceive the EU as an international actor, since it is just an aggregation of states which use this supranational institutions for their own interests and necessities. Secondly, Liberalism has been used to subdivide the EU into two different typologies: a normative power and a civilian one. The former kind is the one that is able to shape values and identities and define what is to be seen as “normal”. The latter typology uses its economic powers to make a difference in the international context. Lastly, Constructivism has been used to highlight the importance of the structures and the influence that the external context has in order to enable the EU to be seen and perceived as a power. Also, it has been possible to address to three typologies of institutionalism (rational choice theory, sociological and historical institutionalism) to aim at defining the internal relations that empower the EU to be relevant on the international scenario. Another important distinction has been made between the intergovernmental theory, which sees the EU as a supranational institution led by the Member States to gain national benefits and to facilitate the achievement of their own objectives, and the vision of this international actor as a supranational one, in which the Member States transfer part of their sovereignty to the European entity in order to fulfill common goals, undertaking shared processes in several policy areas. In the end it has been acknowledged the possibility to conceive both these theories and combine them to define the strength of the EU. As a matter of fact there are cases in which the European actor has been more powerful as a single actor (although the single Members kept being fundamental entities) due to the possibility to demonstrate its importance through the multitude of units that agreed within the EU itself.

Although there are many critics that show the inefficiencies and the incapability to be a strong and leading actor in the global context, the EU seems to show strength and proves to be able to keep in track with its goals, in spite of its changing role. It is impossible to not take into consideration the arising of new powers such as China and India, or the increasing issues deriving from an economic crisis that seems to be deep-rooted within the European area.

Nevertheless the EU has been able to begin a new path, understanding the possibilities that can arise from these challenges, such as the new importance that environmental issues are gaining, in both developing and industrialized regions. It has been possible for the Member States to converge towards common positions regarding significant issues such as the security and defence ones. Nevertheless many problems are still to be taken into account such as the discontinuity that arise in the European external actions, although the institution of the High Representative of the Union for Foreign Affairs and Security Policy has symbolized a great effort in giving a united cohesion to the achievements to reach.

In conclusion: many are the problems in speaking with one voice, when there are 27 Member States and supranational institutions to take into account, but it is still possible to positively evaluate the role and the approach used by this complex entity, so far an *unicum* in the world. Moreover, if the EU will be able to show its great capacities in external policy areas such as the environmental one, as it is appearing to be able to do, it will be just the beginning of a new and positive path for an actor cable to change its characteristics within a challenging world.

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